

In The Matter Of  
Highland Cellular Telephone, Inc.  
Petition for Designation as an Eligible  
Telecommunications Carrier in Virginia

October 15, 2002

CC Docket No. 96-45

**Comments of the Telephone Association of Maine**

The Telephone Association of Maine (TAM) offers the following comments in response to the October 2, 2002, Public Notice issued in the above captioned docket.

TAM is a trade association comprised of the 22 independent telephone companies (ITCs) in Maine. TAM offers these comments on behalf of its members.

TAM's concern in this docket is less the question of whether a wireless company, whether in Virginia or elsewhere in the Nation, should be granted ETC status, and more a concern of how the wireless company is regulated upon achieving ETC status. Specifically, TAM wishes to ensure that any company that is receiving Universal Service funding as a result of obtaining ETC status is not only utilizing the money to achieve universal service goals, but is in fact interacting with customers in a manner that promotes universal service and that is consistent with competition with other providers.

The underlying concept of Universal Service is that it is in the public interest to provide the opportunity to obtain telephone service to all citizens of the Nation. Maine has taken this objective very seriously and has a penetration rate of nearly 98% despite the extremely rural character of the State. Part of the reason this penetration level is so high is that Maine not only provides for initial outreach, but also ensures that regulatory requirements are in place which are designed to assist individuals in keeping on the

network. Indeed, the Maine Commission has recently adopted three separate sets of rules for billing, collection, and disconnection requirements, one set for ETCs, one set for non-ETCs, and one set for Interexchange Carriers (IXCs). The rationale for such an approach is that there are fundamental differences between a competitive provider which is not holding itself out as promoting universal service (but rather simply seeks to offer alternatives to customers currently on the telecommunications network) and a provider which is receiving universal service support in order to promote the objective that everyone should be able to connect to the telecommunications network.

The only way to ensure that the goals of Universal Service are being upheld is by designating State Commissions as the regulatory agency to oversee the customer protection and universal service offerings made by a wireless ETC within a given State. Indeed, the Commission has already alluded to this means in Paragraph 6 of the Commission's Memorandum Opinion and Order in *Petition of the State Independent Telecommunications Group for a Declaratory Ruling*, WT Docket No. 00-239 (FCC 02-164, August 2, 2002) ("Order"), where the Commission indicates:

"States may, however, regulate other terms and conditions of CMRS, such as customer billing practices and consumer protection requirements. States may also impose on CMRS providers requirements related to universal service, although such requirements may not constitute rate or entry regulation."  
(Footnotes omitted)

While the current docket is limited to the issue of Highland Cellular, Inc.'s petition regarding ETC status in Virginia, any decision the Commission comes to will inevitably have precedential impact on how other States treat Wireless ETC petitions.

Accordingly, TAM respectfully requests that, in this case, the Commission expressly affirm the principle that States have the right, and indeed the obligation, to regulate consumer protection and requirements related to universal service for all ETC certified providers, whether they are traditional local exchange carriers or CMRS providers.

Sincerely,

Benjamin M. Sanborn, Esq.  
External Affairs Manager,  
Telephone Association of Maine